

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:05CR3088
	)	
V.	)	
	)	
KEVIN WALKER,	)	MEMORANDUM
	)	AND ORDER
	)	
Defendant.	)	

The defendant has filed a sentencing response and additional objection to the presentence report. In that regard,

IT IS ORDERED that:

1. The undersigned construes the sentencing response (filing 87, ¶¶ 2 & 5) to be a statement of the defendant that: (a) he does not wish to withdraw his guilty plea; (b) he does not wish to withdraw from the plea agreement; and (c) the plea agreement shall not be construed as a Rule 11(c)(1)(C) plea agreement and the third weapon (the Derringer) may be held against the defendant if the facts warrant.

2. The defendant asserts an additional objection to the presentence report. He claims that the Derringer does not belong to him, that it was “not initially located with the two firearms belonging to the Defendant[,]” and that the “weapon was placed there with the two other firearms as a result of the search of the premises and the collection of evidence[.]” (Filing 87 ¶¶ 3&4.)

3. The government has the burden of proof on the weapons enhancement. The Court will conduct an evidentiary hearing at the time of sentencing to resolve defendant’s objection. The Court will set aside one hour to resolve that issue. If that

hearing will take more than one hour, counsel shall contact my judicial assistant and see to rescheduling.

4. Defendant's sentencing is scheduled for Friday, March 16, 2007, from 12:30-1:30 p.m. in Lincoln.

January 29, 2007.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge